

REMARKS

The Applicant respectfully requests reconsideration of this application based on the amendments above and the arguments presented below. Claims 8 and 10-13 are hereby canceled without prejudice. Claims 1-7 and 9 therefore remain pending in this application.

In view of cancellation of claims 8 and 10-13, claims 1-7 and 9 stand rejected as being either anticipated by or obvious in view of U.S. Publication No. 2005/0010653 (hereafter "McCanne"). Independent claim 1 is hereby amended to recite content as being stored within a content distribution network on a plurality of cache server systems, each of which is coupled to a DNS device that advertises a common address within the network to indicate that the content is available on the associated cache server system. Note that each of the DNS devices advertise the common address under normal operating conditions, but that each DNS discontinues advertising when an overload metric is exceeded.

Applicant respectfully submits that McCanne fails to teach such active advertising by each individual cache server system and therefore necessarily cannot anticipate claim 1 nor any dependent claim thereto. McCanne teaches an APAR-DNS that authoritatively manages some subtree of a DNS namespace of a content distribution network (CDN). McCanne, [0134]. The CDN backbone configures the APAR-DNS with anycast addresses assigned to devices that are deployed in the content backbone. Id., [0126], [0136]. Once so configured, the APAR-DNS can map named service requests onto target addresses. Id., [0137]. Based on some "external data collection process", the APAR-DNS may prune the candidate set of configured target addresses. Id. [0138].

By contrast, claim 1 recites a method in which each DNS device coupled to a cache server system advertises a common address to indicate that content is available. By doing so, an end-user DNS (e.g., 70a, Fig. 5) can resolve a content provider name to the common address. See e.g., Application, p. 9, ll. 22 – 29. In addition, claim 1 includes discontinuing advertising by a cache server system

when a load characteristic of the cache server system exceeds a predefined overload metric. As a result, no further requests will be directed to that cache server system. See e.g., Application, p. 11, ll. 9 – 11. McCanne does not teach advertising a common address by a DNS device that is coupled to a cache server system, for purposes of indicating content availability at the cache server system, and then discontinuing advertising of the common address if an overload metric is exceeded.

Therefore, McCanne fails to teach all the elements of claim 1. For at least the foregoing reasons, McCanne does not anticipate claim 1. Claims 2 – 7 depend from claim 1 and are therefore believed to be allowable for at least the reasons set forth above.

In addition, Christianson fails to teach or suggest the elements of claim 1, which McCanne fails to teach. Consequently, McCanne and Christianson, neither separately nor in combination, teach or suggest all the elements of claim 9, by virtue of its depending from claim 1. For at least these reasons, a prima facie case of obviousness has not been set forth with respect to claim 9.

In summary, the above amendments to independent claim 1 are believed to recite an embodiment of Applicant's invention that is neither anticipated nor obvious over McCanne, either by itself or in combination with other prior art. Accordingly, claim 1 is believed allowable as are claims 2-7 and 9, each of which depend from claim 1. Applicant emphasizes that the claim amendments made herein are being made without prejudice to expedite prosecution of this particular application to allowance and should not be viewed as an acquiescence of the Examiner's arguments as to the applicability of McCanne or Christianson to the pre-amended scope of the claims. Applicant therefore expressly reserves to seek the pre-amended claims scope and further rebut the Examiner's arguments and in a properly-filed continuation.

CONCLUSION

Claims 1-7 and 9 are now pending in the application and are believed to be allowable over the cited prior art for at least the reasons stated herein. Accordingly, prompt reconsideration and allowance of this application are earnestly solicited. Should the Examiner have any remaining questions or concerns, he/she is encouraged to contact the undersigned attorney by telephone to expeditiously resolve such concerns. Because this Amendment is being filed after February 22, 2006, but no later than May 22, 2006, enclosed herewith is a petition for a three-month extension of time under 37 C.F.R. §1.136(a) as well as payment in the amount of \$1,020 in order to maintain pendency of this application. In addition, enclosed herewith is a payment in the amount of \$790, as required under 37 C.F.R. 1.114, for furthering prosecution of this application in accordance with RCE practice. No other fees are believed due with this Amendment.

Respectfully submitted,

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